

By granting certiorari in *Gall*, the Supreme Court has recognized the importance of clarifying whether it is appropriate, after *Booker*, for district courts to be required to make extraordinary justifications when they elect to depart downward from the Guidelines. In the instant case the First Circuit held that, while defendant's circumstances were extraordinary, they were not extraordinary *enough* to justify the sentence imposed. This issue, like the similar issue in *Gall*, requires clarification by the Supreme Court.

A stay of the re-sentencing hearing pending the Supreme Court's decision on defendant's Petition will be judicially economical and will not prejudice the government.

For the foregoing reasons, defendant respectfully requests that his re-sentencing hearing be continued and that it be re-scheduled after the Supreme Court acts on his Petition.

Dated: September 20, 2007

Respectfully submitted,

TALMUS R. TAYLOR

By his attorney,

/s/ Bruce T. Macdonald

BRUCE T. MACDONALD
(617) 354-1711